G.F. 361-92

G. R. S. IX-5]

1891-92

Previous references.

File No. 15 of 91

Serial Nos. 1-16

191 .

(Courts.)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-16

Major ~~Part B~~ for December 1893

SUBJECT.

Exemption of the Postal Department from paying stamp fees on copies of Crl. proceedings. ~~required for the Use of the said Department~~

Indexed

SB

SB

W D 88—GPB—50,000—24-7-16

In the Court of
Appeal at Bang
Civil Side
Civil Letter No 9 of 28 Jan 91

All Seems Drafts Issued
By Order No 343 of 826
March 1884 the Govt of His
Majesty the Sultan of this
Country was pleased to remit
the Court Fees payable
under Clauses 6, 7 & 9 of Schedule
I of the Court Fees Act 1870
on copies furnished by Civil
& Criminal Courts for the private
use of persons applying for
them In a case that came
up recently before the Chief
Court it was noticed that
unauthenticated Copies of
certain depositions granted

on plain paper for the private use of a pleader ~~X~~ were initialled by the Chief Ministerial officer I am directed to point out that unauthenticated copies exempted from stamp duty under the Notification quoted above need not be initialled or signed by the officer granting the same, as the affixing of initials or signature of the public functionary empowered to grant such copies is likely to lead to misconstruction of the copies required to have been authenticated.

I have &c

Sd/ S. Ramayekan
Registrar

Copy

Please
in the
into the
file under
with the
& the Appellate
about Boats
this Appeals
have allowed
& State Cases
papers in
the Cases

D
3/9/11

R Dail
Let these
be filed
copies
[illegible]

Note

In 1884 Government remitted the Court fees payable under clauses 6, 7, and 9 of Schedule 1 of the Court Fees Act on copies furnished by the Civil and Criminal Courts for the private use of persons applying for them The notification did not however exempt copies furnished thereunder from the payment of the fees chargeable on such copies when filed exhibited or recorded in any Court of Justice or received by any public officer

No 343 dated 26th March 1884

In 1891 the Chief Court remarked that unauthenticated copies granted on plain paper for the private use of persons who did not sign or initial them by the officer granting the same as the affixing of such initials was liable to be misconstrued and the copies regarded as having been authenticated

Cir Letter No 90 dated 20th January 1891

In June 1891 the Post Master General of Madras

represented to the Resident that a fee of Rs 1-11-0 has been demanded by the Second class Magistrate, Seringapatam for a copy of the Judgment which was needed for departmental purposes and requested that the Durbar might be moved to exempt the Postal Department from paying Stamp fees on copies of Criminal proceedings and to furnish, free of cost, copies of Judgment in such cases.

In July 1891, the Postmaster General requested the Resident to move the Durbar to allow Post office Officials to attend Magistrates Courts & copy Judgments when required

1277/303 dated Madras 31/7/1891

The Government explained the French Rocks Subdivision Officers demand for fees as having been made under the impression that authenticated copies were required and stated that they had no objection to allow.

Post office Officials to attend Criminal Courts and take copies of papers in cases in which prosecutions may be instituted at the instance of Postal Department. The officials so deputed were to be regarded as having been lent as copyists for the occasion and such taking copy of papers was to be permitted only on presentation of an application on one anna Court fee Stamp.

No 6307-233 dated 26th Aug 1891 from the Chief Secretary to the Assistant to the Resident

The above arrangement having been approved by the Postmaster General was communicated to the Deputy Commissioner in the Province for information and guidance and necessary instructions to Subordinate Courts

No 1992-9 Civil dated Bangalore 2nd May 1892

No

In 1893 the Assistant Resident forwarded the orders of the Madras Government directing Sessions Judges and Magistrates to debit to their Contingent Charges the cost of

1997/259-91 dated 13th June 1893

copies of judgment and deposi-
tions furnished to department
of administration and enquired
whether analogous procedure
had been issued by the Durban
and whether if so, whether there
would be any objection to their
extension to the Imperial Post Offices
Attention of the Govt was also
invited to the article of the
Imperial Service Regulations
which provides that "whenever
a Government Official is judi-
cially convicted of any offence,
a copy of the decision should
be sent to the Head of the
Department in which he is
employed in order that such
action in the case as may be
deemed proper may be taken
at once." (Art 137)

Copy of the Resident's letter
was forwarded to the Registrar
of the Chief Court for favour
of an expression of the opinion

of the Judges of the Chief Court on the matter

The Registrar replied that the orders of May 1892 met the requirements of the Postal Dept and might if approved, be extended to other Departments and that if the Government considers it necessary to adopt a rule similar to what prevails in the Madras Presidency, the Judges of the Chief Court would be glad to give effect to the instructions of Government

604/35 dated 15th Aug 1893

The Govt again drew the attention of the Registrar to art 137 of the Bengal Service Regulations and enquired if, in accordance therewith copies of judgments in Criminal cases in which officials are concerned are not furnished free of charge to the Heads of Departments

4578/361-92 of 9th Sept 1893

The Registrar has replied that as no complaint has been made by any department the Chief Court has no reason to think that the directions contained in Art 137 has not been complied and that if any complaints have been made Government and if it is deemed necessary, the Chief Court will invite the attention of the lower Courts to the article in question

1276/59 dated 21st Sep 1893

(The Resident having sent a reminder to his letter of the 13th June, and has been informed that the matter is under the consideration of the Chief Court)

2845/259-91 of 19th Aug 1893

4576/361-92 of 9th Sep 1893

KRS
29/9/93

Subd.

Art. 137 of the Mysore Service Regulations lays down that whenever a Government official is

judicially convicted of any offence, a copy of the decision should be sent to the Head of the Department in which he is Employed in order that such action in the case as may be deemed proper may be taken at once -

Under this Article, which is a verbatim copy of Clause 217 of the British Civil Service Regulations, it is obligatory on the Courts to send to the Head of the Dept concerned a copy of the judgment in cases in which a Govt Official may be convicted This article does not provide for copies of depositions or any other papers -

The Madras Rule may be adopted

30/8

Th
Protector.
Vide Draft

15/7

9/
f. 112

(General Serial No. 30). 3282

OFFICE OF THE
9 - JUL. 91
1891.255
SECRETARY OF

(2)

From The Asst to the President
Mysore

Section A5
File No 15 - 9 1887
Serial No 1

Dated 6 Jun 1891
Despatched 6 Jun 1891
Received 8 Jun 1891

Enclosures No. 1

General No. 2869
No. 2869

Forwarding copy of letter from the Post Master General at Madras requesting that the Postal Dept may be exempted from paying the stamp fees on copies of Criminal Proceedings required for departmental purposes and requesting to be favored with the views of the Govt.

To Brodie
Attach Note Sheet
Submitted in the
Home Secretts dy
26 March 1884
as to Govt as
to Govt
Sir,
Secretary to Govt
Home Dept
Mysore
Attached as
Ans 7/91

9/7
11-7-91

No. 2069 Sec: 1
258-91

(2)

FROM

THE ASSISTANT TO THE RESIDENT IN MYSORE.

To The Dewan of Mysore

Dated Bangalore, 9th July 1891.

SIR,

I am directed to forward, for the consideration of the Durbar, a copy of a letter No. 9463 dated the 27th June 1891 from the Post Master General at Madras and of its enclosures, requesting that the Postal department may be exempted from paying the stamp fees on copies of criminal proceedings required for departmental purposes and that that department may be furnished, free of cost, with copies of judgments in such cases.

2. The officiating Resident will be glad if you will favour him with the views of the Durbar on this matter at an early date.

I have the honour to be,
Sir,
Your most obedient servant,

[illegible]
Asstt. to the Resident

kl.

Post Office Department (2/0)

Madras Circle

From

C. A. Stuart, Esquire

Offg: Post master General

To,

The Assistant to the Resident

in Mysore, Bangalore.

No. 9453 dated Madras, the 27th June 191.

Sir,

I have the honor to inform you that an expenditure of Rs. 1-11-0 was incurred by the Superintendent of Post offices, Mysore Division, on account of Court fee stamp and copying & comparing fees in obtaining for my information a copy of the judgment delivered by the 2nd class Magistrate, Seringapatam Taluq, in Calendar Case No. 135 of 1090 on the file of his court. The copy was required for departmental purposes as the accused in the case was a Post office employe, and the prosecution itself was instituted under my orders.

2. I enclose for your information copies

of dockets Nos 152 and 053 dated respectively 20th November 90 and 7th February 91. from the Sub-Dursun Officer at French Rocks to the Superintendent of Post offices, Mysore Division, on the authority of which the expenditure was incurred and paid; but as similar copies obtained from judicial officers in British Territory are exempt from stamp duty under the Notification of the Government of India, No. 3245 dated 10th September 1869 (Copy enclosed), I have the honour to enquire whether the Resident will be so good as to move the Durbar to exempt this Department from paying the stamp fees on copies of Criminal proceedings and to furnish this Department free of cost with Copies of judgments in such cases.

I have &c.

sd/ C. A. Stuart

Offg: Postmaster General.

Copy of a communication No. 152 dated 20th November 1890, from the Sub-Dursunal Officer French Rocks to the Superintendent

of

of Post offices, Mysore.

Yrs letter No. 7067 dated 20th instant

In reply to the above has the honor to inform him that all applications for copies should be made by affixing one anna Court fee Stamp together with a blank paper affixing eight annas court fees stamp for writing copy of judgment.

Copy of a communication from the Sub Dursun Magistrate French Rocks to the Superintendent of Post offices, Mysore Dursun dated 7th February 1891, No. 253.

Has the honour to state that from the Amildars report No. 100 dated 31st January 1891, it appears that he has asked the Superintendent to furnish him with a Court fee stamp of one rupee and copying fees.

The Copies applied for by the Superintendent will be forwarded to him by the Amildar on the receipt of the above charges

No. 3245

Government of India

Financial Department

Simla dated 8th September 1869.

Notification

A doubt having arisen as to whether with reference to section XXX of Act X of 1862 Judicial Officers may furnish copies of their decisions to Officers of Government for official purposes on plain paper the Governor General in Council is pleased to declare that whenever in the public interests Judicial officers furnish public Departments with copies of their decisions or of any other documents such documents need not be stamped. A copy exempted under this order from stamp duty to which it would otherwise be liable will not be admissible in any legal proceedings before a Court of Justice.

Copy

Henry Cleeve

Registrar

9/
P. 110

(3)

1891-92

Section C.O.
File No 6-91.
Serial No 2 To, D.

The D.C. Mysore Dt.

D/3
Do 4 August, 1891.

No 5263/187

Reg. 22-9-91

I have the hon. to acknowledge the receipt of the Sub Dn. Off. French Rocks, No. 343 dt. 26th March 1892 & to ask him to explain, at a very early date, the circumstances under which he failed to enter on the application for grant-copy free of charge to Post Offices in the case in which a Post-Office Employé was the accused

Urgent

(3)

No. 5-263-D/3/8/91
187

To The H.C. Mysore Residency

Sir

In correspondence cited at foot of this letter, the Mysore Govt. a French Rocks seems to have required the Imperial Postal Dept. to pay Court fees in the shape of Court fee stamps to be affixed to appl. for copy and to copy Vakalatnamas of Govt pleaders in a case in which a Govt Envelope was the acct. & Wh was required by the Govt. of Mysore for Govt purposes. It appears that Copying fees were also charged.

2 I am to request that you will be pleased to draw the attention of the Mysore Govt to Govt No 343 of 26 March

1884 (published in Nyrulgazette
Dated 29th idem) and to ask
him to explain the circumstances
why he felt himself precluded
from [illegible] the Revd Laing
the applt pleading copy free
of charge.

3 As very early reply is required
as a reply from the Resident
awaits an answer —

Thanks &c

[signature]

3 Aug 91

From	To	No	Dy
Actg Resident Kano Akpa	Actg Postmaster Lagos	152	28 Nov 90
Do	Do	853	7 Feb 91
Actg Postmaster Lagos	Actg Resident Kano Akpa	867	20 Nov 90

[signature]

(General Serial No. 30).

OFFICE OF THE
4140
7 - AUG. 91
316
DEWAN OF MYSORE

From The Asst to the President
Section
File No 15 Visit Bayonne
Serial No 3

Dated 8 August 91
Despatched
Received

Enclosures No. 1

General No. 2392
No. 259. 91

Sir,

I am directed by the Secretary of State to forward for consideration a copy of letter from the Post Master General at Madras on the subject of Post office officials being allowed to attend magistrates' Courts and to copy judgments which are required for the use of the Depts and requesting to be furnished with the views of the Madras

No. 2392 / 2599 1 (4)

FROM

THE ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore

Dated Bangalore. 8 August 1891.

SIR,

In Continuation of my letter No. 3287 2069 / 258-91 dated the 9th July 1891, I am directed to forward for Consideration a Copy of a letter No. 12777 / 303 dated the 31st July 1891 from the Post Master General at Madras and of its enclosures on the subject of Post office officials being allowed to attend Magistrates Courts and to Copy judgments which are required for the use of that depart= =ment

2 The Resident will be glad if the views of the Durbar are

Communicated

Communicated to him at an early date.

I have the honour to be
Sir,
Your most obedient servant

Assistant to the Resident.

H.

(4/a)

From

C. A. Stuart Esqre.

Offg Post Master General

To

The Resident

in Mysore.

Bangalore.

No. 12777/303 dated Madras, the 31st July 1882.

Sir,

In forwarding herewith Copies of the papers noted on the margin, I have the honor to request that you will be so good (if you see no objection) as to move the Mysore Durbar to issue similar orders to those issued by the Madras Govern= ment in view to Post Office officials being allowed to attend Magistrates' Courts and to copy judgments when such Copies are required for the use of this Department

I have &c.

Signed C. A. Stuart

Offg: Post Masters General

1. Proceedings of the Madras Govt No. 175 dated 30th January 1882.

2 Letter No. 1727/163 dated 7th July 1882 from the Sessions Judge Mysore to the Superintendent of Post Offices, Mysore Division.

Proceedings

Financial Department

Proceedings of the Madras Government

Read the following letter

from the Post Master General, dated

15th December 1881 No. 6254/1177

Order thereon 30th January 1882 No. 175.

To except the Postal authorities

from paying the Stamp fees prescribed

by law on Copies of Criminal proceedings

would require an Order of the Government

of India under Section 35 of the Court fees

Act 1870, but there is no objection to a

Post Office Clerk attending the Magistrates

Court and taking a copy on plain paper.

(True extract)

Signed C. D. Maclean

Under Secretary

To The Post Master General

Copy of a Communication No. 1727/163

dated 9th July 1891 from the Sessions

Judge Mysore, to the Superintendent

of Post Offices Mysore Division

In reply to your letter No. 2956

of the 2nd Instant, enquiring whether I have any objection to allowing Postal officials to take down Copies of Judgments in Cases in which the Department is concerned, I have the honour to state that in my opinion this is not possible. Under Art 9 Schedule I of the Court fees Act a fee of 8 annas has to be paid for every 360 words or fraction thereof if the copy applied for is an authenticated one. For unauthenticated Copies, no Court fee is charged. But in either case, I think the transcription and Comparison fees have to be paid.

(True copy)

Registrar

XT Dft 6

Section No
File No 45-91
Serial No 2

No. 6307 / 233 dt. 26-8-91 / 28.

From The Assistant to the Resident in Mysore

To

Sir

Adverting to your letters cited in the margin addressed to the Dewan I am directed to say that in calling for Court fees on Copies of papers required for the ~~private~~ use of the Postal Department, the Sub Division Officer at French Rocks was probably under the impression that authenticated Copies were required If the Court was informed when the application was made,

No. 2069 / 258-9 dated 9th July 1891.
No. 2392 / 259-91 dated 8th Augt 91.
No. 2484 / 259-91 dated 18th — do —

Reminder before

made that the copies were required for private use only, the copies would have been granted without requiring the production of the Court Fees which, in such cases, have been remitted by the orders contained in Notification No. 343, dated 26th March 1884, copy of which is hereto annexed.

2. Such copies granted for private use and free of Court fee charges are not authenticated by any official of the Court, and if they be made by licensed Copyists employed in

on the Court they are liable to charge for copying fees

3. The ~~Government~~ Durbar see no objection to Post Office officials being allowed to attend Criminal Courts and take copies of papers in cases in which prosecutions may be instituted at the instance of the Postal Department; the officials so deputed being regarded as Copyists specially lent to the Court for the purpose of preparing the Copies under the supervision of the Chief Ministerial Officer of the Court

Court in which the Proceedings have been held. ~~The Chief~~ Court will be consulted on the subject and requested, should there be no objection, to issue the necessary instructions in this respect to all Courts ~~subordinate to it~~. This will save the Postal Department, charges for copying as well as for Court fees. But such taking copy of papers required, ~~will~~ be permitted only on presentation of an application on one-anna Court Fee Stamp ~~as~~ required by article I, schedule

And if this be satisfactory to the Post Master General I am to request that the Durbar may be favored with an intimation to that effect to enable it to issue the necessary instructions.

schedule II of the Court Fees Act as the payment of this fee has not been remitted by His Highness Government - nor has it been done by the Government of India in British India.

I have &c.

25/8/91

Chief Secy.

1891

Section
File No
Serial No

No. 1

The Assistant to the
Resident in
Mysore

Dy 26 August 91

No 6307 /
233.

Subject stating that in calling for Court
Fees on copies of papers req.d for the use of
the Postal Dep.t, the Sub Dn. Off.rs at Sprucch
Rock was under the impression that an
unstamped copies were req.d & that the Dumbar
stamped copies were req.d & that the Dumbar
See no objection to Post Office Offs being allowed
to attend Criml Courts & take copies of papers in
cases in which prosecutions may be instituted at the
instance of the Postal Dep.t

Issue

25/8

9/
P. 110

(General Serial No. 30).

189

OFFICE OF THE DEWAN OF MYSORE
6020
24 SEP. 91
416

COMMISSIONER'S OFFICE MYSORE DISTRICT

From

Section C.S.

File No 15-91.

To

Serial No 5

The Chief Secretary to the Govt of Mysore

Dated 24/9/1922

Despatched

Received 26 September

Enclosures No.

General No. 544

No.

Reporting the circumstances under which the Superintendent of Post Offices was asked to put in an application on Stamp paper and to pay Court Fees for a copy of judgment

Dy Commr's letter

Refer
CS
26/9/91

Sir
Submitted
28-9-91

Recd
1/10/91

B2
28-9-91

Draft submitted
3:10:91

Deputy Commissioner's Office
Mysore District (7)
Dated 19th September 1891. Mysore

No. 544

From,
The Deputy Commissioner
Mysore District

To,
The Chief Secretary to the Dewan
of Mysore
Bangalore

Sir

With reference to your letter No. 5263/187 of the 3rd ultimo, I have the honor to State that the Superintendent of Post offices not having stated for what purpose the Copy of the Criminal Court judgement therein alluded to, was required, he was asked to put in an application on Stamp paper, & to pay Court fees for the copy of the judgment for granting him an attested copy of the same

I have the honor to be
Sir,
Your most obedt Servt

D Cammadge
Offg Deputy Commissioner
Mysore District.

(8)

Read

Letter No 5744 dated

the 19th September 189

from the Deputy Commr

Alipore Distt reporting

with reference to this office

No 5263 dated 3rd August 91

the circumstances under which

the Superintendent

of Post offices ~~not having~~

~~stated for what purpose~~

~~a copy of the Criminal~~

~~Court judgment, therein~~

~~referred to, was required~~

~~he~~ was asked to put in

an application on stamp

paper and to pay Court

fees for ~~granting~~ him

an authenticated Copy

a criminal judgt required

by him

Section No

File No 15-91

Serial No 6

No. 8401 D/ 4-11-91

300 / 5

Order thereon

Recorded

Draft

3-11-91

Under Secy

To the Dy Commr

Alipore

(General Serial No. 30).

189/.

From

To The Dy: Commissioner
Mysore Distt.

Dated 4
Despatched 5 November/91
Received

Enclosures No.

General No. 8401
No. 300

Recording Dy: Commrs
letter reporting the circ^s
under which he refused to
the Post-offices was asked
to take in an application
on stamp paper and to
pay Court fees for an
authenticated copy of
a Criminal Judgment

9
S.7P

(General Serial No. 30.)

1892.

OFFICE OF THE DEWAN OF MYSORE
1053
27 APR 92
63

9

From

The First Assistant to the Resident in Mysore

Section C
File No 15 To 91
Serial No 7

To The Dewan of Mysore

Dated 26th April 92

Despatched

Received

Enclosures No.

General No. 1365

No 259.91.

Informing that the Postmaster General Madras has instructed his Subordinates in the Mysore State to obtain copies of Proceedings from Court in accordance with the proposals made by the Durbar and requesting to issue the necessary instructions.

Submitted with a draft for approval.

29.4.92.

31
28-4-92

Ref 26/4

Sir Submitted
886
29-4-92

(9)

No. 1365
259.91

From

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore

Dated Bangalore 26th April *189*2.

Sir,

In reply to your letter No. 6307-233 dated the 28th August 1891, I am directed to inform you that the Post Master General at Madras has instructed his subordinates in the Mysore State to obtain copies of proceedings from Courts in accordance with the proposals contained in your letter under reply. A copy of the circular being issued by the Post Master General on the subject is enclosed for information.

2. I am to request that the necessary instructions may now be issued by the Durbar in this matter.

I have the honour to be,

Sir,

Your most obedient servant;

First Assistant to the Resident.

Circular No 4 S.

(9/a)

To

All Superintendents and
Inspectors of Post-offices
in the Mysore Province.

Dated Madras the 7th April 1892.

When prosecutions are instituted by the Postal Department in the Mysore Province unauthenticated copies of the proceedings may be obtained from the Courts on presentation of an application bearing a one anna Court fee Stamp. These ~~Copies~~ should be made and attested by an official of the Post-office who will be regarded while so employed as a Copyist specially sent to the Court for the purpose of preparing the Copies under the supervision of the Chief ministerial officer

of the Court in which the proceedings have been held. No other fees are payable on the copies thus obtained.

2. In the majority of cases, unauthenticated copies prepared in the manner above described will be found to meet all requirements. If however duly authenticated copies are required in cases of special importance, the Court fees leviable on copies of that class and copying fees as well, will have to be paid by this Department; but before any such charge is incurred, the special sanction of this office should always be obtained permitting Supervising Officers to make the ~~requisite~~ ~~to~~ necessary application to the Court

Copy forwarded for information

Sd. G. R. Petre
For Postmaster General
Madras

(10)

Read the following papers:

Section C5
File No 15-91
Serial No 8

Letter no 2069/258.9 dtd 9 July 1891 from the Asst to the Resident forwarding copy of a letter from the P.M. General Madras requesting that the Postal Depts may be exempted from paying stamp fees on copies of Criminal Proceedings required for Departmental purposes

abstract

~~Read also~~

Letter no 630/233 dated the 26 August 1891 to the 1st Asst to the Resident

Print in extenso

no 1365/259.91 dtd the 26 April 92 from the do (with Encl) Read also Letter no 1365 dtd 26/4/92 from the 1st Asst to the Resident

No. 1992-9 dt 2 May 1892
circ 6

Order

Communicated

~~Ordered that Copies of the foregoing Correspondence be forwarded~~ to the Deputy Commissioners of Districts for information and guidance with the intimation

that the proposals of the
Durban have met
with the approval of the
Post Master General, who
has issued the necessary
instructions in accord-
ance therewith to the offrs
of this Dept.
& need not enumerate
the Conts herein
& them

Chief 2/5

Deputy Comrs Dte
(Cfy & ~~Deputies Certificate~~
the Cheques -
with a covering letter.)

1892.

GOVERNMENT OF MYSORE.

JUDICIAL.

PROCEEDINGS.

Dated 2nd May 1892.

No. 1992-9.
Cir. 17.

Communicating to Deputy Commissioners certain correspondence between the Darbar and the Residency in the matter of exemption of the Postal Department from paying stamp fees on copies of Criminal Proceedings required for the use of the said Department.

Mysore Govt. C. Press, Bangalore.—11-5-92—120.

Proceedings of the Government of His Highness the Maharaja of Mysore, (Judicial),—dated 2nd May 1892.

READ THE FOLLOWING PAPERS:-

Letter No. 2069—258-9 of the 9th July 1891, from the Assistant to the Resident in Mysore, forwarding copy of a letter from the Post Master General, Madras, requesting that the Postal Department may be exempted from paying stamp fees on copies of Criminal Proceedings required for Departmental purposes.

Letter No. 6307—233, dated the 26th August 1891, from the Chief Secretary to the Dewan of Mysore, to the Assistant to the Resident in Mysore.

Adverting to your letters cited on the margin, addressed to the Dewan, I am directed to say that, in calling for court fees on copies of papers required for the use of the Postal Department, the Sub-Division Officer at French Rocks was probably under the impression that authenticated copies were required. If the court was informed, when the application was made, that the copies were required for *private use only*, the copies would have been granted without requiring the production of the court fees which, in such cases, have been remitted by the orders contained in Notification No. 343, dated 26th March 1884; copy of which is hereto annexed.

No. 2069—258-91, dated 9th July 1891.
„ 2392—259-91, dated 8th August 1891.
„ 2484—259-91, dated 18th August 1891

2. Such copies granted for private use and free of court fee charges are not authenticated by any official of the Court, and if they be made by licensed copyists employed in the court, they are liable to charge for copying fees.

3. The Darbar see no objection to Post Office officials being allowed to attend Criminal Courts and take copies of papers in cases in which prosecutions may be instituted at the instance of the Postal Department; the officials so deputed being regarded as copyists specially lent to the court for the purpose of preparing the copies under the supervision of the Chief Ministerial officer of the court in which the proceedings have been held. This will save the Postal Department, charges for copying as well as for court fees. And if this be satisfactory to the Post Master General, I am to request that the Darbar may be favored with an intimation to that effect to enable it to issue the necessary instructions. But such taking copy of papers required, will be permitted only on presentation of an application on one anna court fee stamp required by Article I, Schedule II of the Court Fees Act, as the payment of this fee has not been remitted by His Highness' Government, nor has it been done by the Government of India, in British India.

Letter No. 1365—259-91, dated 26th April 1892, from the Assistant to the Resident in Mysore, to the Dewan of Mysore, (with enclosure).

In reply to your letter No. 6307—233, dated the 26th August 1891, I am directed to inform you that the Post Master General at Madras has instructed his subordinates in the Mysore State to obtain copies of proceedings from courts in accordance with the proposals contained in your letter under reply. A copy of the Circular being issued by the Post Master General on the subject is enclosed for information.

2. I am to request that the necessary instructions may now be issued by the Darbar in this matter.

Circular No. 4A, dated Madras, the 7th April 1892, issued by the Post Master General, Madras, to all Superintendents and Inspectors of Post Offices in the Mysore Province.

When prosecutions are instituted by the Postal Department in the Mysore Province, unauthenticated copies of the proceedings may be obtained from the courts on presentation of an application bearing a one anna court fee stamp. These copies should be made and attested by an official of the Post Office, who will be regarded, while so employed, as a copyist specially lent to the court for the purpose of preparing the copies under the supervision of the Chief Ministerial officer of the court in which the proceedings have been held. No other fees are payable on the copies thus obtained.

2. In the majority of cases, unauthenticated copies prepared in the manner aboved escribed will be found to meet all requirements. If however duly authenticated copies are required in cases of special importance, the court fees leviable on copies of that class and copying fees as well, will have to be paid by this Department; but before any such charge is incurred, the special sanction of this office should always be obtained permitting supervising officers to make the necessary application to the court.

No. 1992-9—Cir. 17, dated Bangalore, 2nd May 1892.

Order thereon.—Communicated to the Deputy Commissioners of Districts for information and guidance and needful instructions to the courts subordinate to them.

Chief Secretary.

To—The Deputy Commissioners of Districts.

Exd.—B.G.E.

(11)

To

No 2462/26 9/14-5-92

9/14

£25

The Registrar
Chief Court

Section No 5
File No 15-91
Serial No Forward

I am directed to forward for the information of the Judges of the Chief Court ~~the accompanying Copy of~~ Proceedings and to state that the necessary instructions to all Criminal Courts the accompanying Copy of Proceedings of Govt No 1992-9 dated the 2nd Inst and on the subject of stamp fees leviable for conveying correspondence in Criminal Cases required by the Postal Dept

with 25 Enclosures

I have &c

Chief Secy

Note.

The despatching clerk should have brought to notice the blue pencil remark on the draft "Printed Copy to be sent to Chief Judge" ~~by~~

9

(General Serial No. 30.)

1892-93

From

To The Registrar,
Chief Court

Dated 14th
Despatched 14th } May 1892
Received

Enclosures No.

General No. 2462 02
No. 26

Forwarding for information and necessary instructions to all Criminal Courts copy of Reg: No 1992-9 Civ: 17 of the 2nd May 1892, on the subject of Stamp fees leviable for Copies of Correspondence in Criminal Cases required by Postal Department.

(General Serial No. 30.)

1476 G 6390 (13)

189

From The 1st Assistant to the Resident in Mysore

To

Section

File No

Serial No

The Chief Secretary to the Dewan of Mysore.

Dated 13th June 1893

Despatched

Received

Enclosures No. 2

General No. 1997

No. 259-91

Forwarding copies of certain orders of the Govt: of Madras directing the Presidency Sessions Judges and Magistrates to debit to their contingent allowances the cost of copies of judgments and depositions furnished to Departments of the Administration and enquiring whether any instructions analogous to those contained in the Proceedings have been issued by the Durbar, & if so, whether there would be any objection to their extension to the Imperial Post office.

References to be marked.

To, The General Records.

Please put up previous papers.

16/6.

Mysore Govt. C, Press, Bangalore.— 30-6-92—3000.

If we endorse to Commissioner if we adopt the Rule already in force in Madras with respect to preparing copies of Evidence of proceedings in cases before Magistrates & Sessions Courts furnished to various depts of the administration either on application or otherwise, being debited to the Contingent Allowance of the Court who furnishes the copies.

If such a Rule be passed, it may be extended to the Postal Dept also already to Imperial Postal Dept enjoys the privilege of taking private copies of proceedings of Courts free of cost (vide order No 1992-9 Cir: 17 dy 2nd May 1892)

The papers may be referred to the Chief Court for opinion & Draft of orders.

20.6.93

Draft
SR 12/7

(13)

No. 1997 Enc 2
259.91

Recd 14-6-93
Judl Branch

FROM

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 13th June 1893.

SIR,

In continuation of this Office letter No. 1365-259.91 dated the 26th April 1892, I am directed to forward copies of the marginally noted orders of the Government of Madras from which it will be seen that in that Presidency Sessions Judges & Magistrates have been directed to debit to the Contingent allowances the cost of copies of judgments and depositions furnished to departments of the Administration

No. 1152 Judl dated 22 June 1892.
" 274 " " 7th February 1893

2. I am to enquire whether any instructions analogous to those contained in the proceedings referred to above have been issued by the Durbar, and

if so whether there would be any ob-
-jection to their extension to the Imperial
Post office.

3. In making this enquiry, there is no
desire whatever to suggest that any parti-
-cular arrangement should be made
solely in the interests of the Postal De-
-partment, but if the privileges of the
kind in question have been conceded
to Departments of the Mysore adminis-
-tration they might probably be extended
to the Postal Department working in
the State.

4. Attention is invited to article
217 of the Civil Service Regulations,
which in a revised form, it is understood,
is in force in Mysore. The article in
question however, will not apply to the
Postal Department unless it is extended
thereto by a special order of the Durbar.

I have the honour to be,
Sir,
Your most obedient servant,

Lieut. Col. Kaye

1st Asstt to the Resident.

Convictions

137. Whenever a Government official is judicially convicted of any offence, a copy of the decision should be sent to the Head of the Department in which he is employed, in order that such action in the case as may be deemed proper may be taken at once.

N. B.

Section 137 of the Mysore Service Regulations corresponds to section 217 of the Indian Civil Service Regulations.

47 (14)

No 6[illegible] of 12.7.93.

To, J73[illegible].92 Gen 3.

The Registrar of the
Chief Court in Mysore

Section Cls
File No 15-91
Serial No 11

Sir,

I am directed to
forward herewith for
favour of [illegible] expression
of opinion of the Judges
of the Chief Court
Copy of Letter No 1997/259-91
dated 13 Jun. 93 from the
First Assistant to the —
Resident in Mysore, with
its Enclosures in original
(to be obligingly returned
with the reply) relating
to the cost [illegible] copies of —
Judgments and depositions
furnished [illegible] various de-
-partments of the
Administration by the

J. 47.

Presidency Sessions Judges
and Magistrates being
debited to their Contingent
allowances, and Enquiring
Whether any instructions analogous to
those contained in the
proceedings have been
issued by the Durbar.

I have &c.

Chief Secy

SR
12/7

12/7

Read 13/7
Retd 14/7

(General Serial No. 29.)

(13)

2107.

189[illegible]

From The Registrar of the [illegible] J. 2948.
Chief Court, Mysore

Section 610
File No 15-91
Serial No 12

To
The Secretary to the D[illegible]an
of Mysore.

Dated 15 Aug 1[illegible]

Despatched 16

Received

Enclosures No. two

General No. 604
No. 35 } 1[illegible]-8.

Invites attention to this Office No. 2462 dy 26
14 May 189[illegible] enclosing the instructions of the Mysore Govt for the supply of copies of Judgments of Sessions Judges & Magte to the Postal Dept and submits the opinion of the Judges on the subject.

J. Reg[illegible]
17/8

Invite attention to Art. 137 of Regulations and ask if in accordance therewith copies of Judgments have not furnished to the Depts concerned in cases in which Officials are concerned

21/8.

No. 604/35 Jud 2 Bangalore 15th August 1893.

From

The Registrar
Chief Court

To

The Chief Secretary
to the Dewan of Mysore

Sir

I am directed to acknowledge receipt of your letter No. 661 J. & 361-92 dated the 12th ultimo forwarding for opinion a letter No. 1997 259-91 of the 13th June last, from the First Assistant to the Resident in Mysore, relating to the cost of copies of judgments &c. furnished to various departments of the Administration by Sessions Judges and Magistrates being debited to the contingent allowances of such Courts and requesting whether similar instructions have been issued to the Courts in Mysore

2 In reply, I am desired to invite your attention to your letter No. 2462/26 dated 14th May 1892, en= =closing the instructions of the Impore Government for the supply of copies of judgments of Sessions Judges and Magistrates to the Postal Depart =ment. Under those orders, a Clerk has to go from the Postal Department to the Court concerned and make the copies required, the only charge to the Department being the stamp of one anna required to be affixed to the application for copies. The above arrangements seem to meet the requirements of the Postal De= =partment, and it may, if approved, be extended to other Departments as well. If, however, the Govern= =ment consider that a Rule similar to what obtains in the Madras

Presidency should be adopted,
i.e. that the Courts should fur-
=nish the copies themselves,
debiting the copying fees x x c a/c
to their own contingencies, the
Judges of this Court will, I am
to say, be very glad to give effect
to the instructions of the Govern=
=ment

3 The printed enclosure
of your letter are, as requested,
herewith returned.

I have the honor to be,
Sir,
Your most obedient Servant
[signature]
Registrar

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following papers : —

From W. A. Symonds, Esq., Superintendent, Central Jail, to the District Magistrate, Salem, dated Salem, 20th May 1892, No. 469.

I have the honour to bring it to your notice that the Deputy Magistrate, Námakal, convicted and sentenced, in the early part of this month, Maduranayagam, a warder of this jail, prosecuted by me under section 223, Indian Penal Code.

2. I applied to the above Magistrate for a copy of judgment in the case for my information and submission to the Inspector-General of Jails. The Magistrate, under Magisterial Standing Order No. 18 of 1891, informs me that I will have to furnish him with 11 copies of stamp papers in order to enable him to grant me the copy in question. I would solicit the favour of your relaxing the standing order in question so as to enable me to obtain copies of judgments free of cost in all cases in which warders prosecuted under my orders are convicted and sentenced by the Magistracy. Please authorize the Deputy Magistrate, Námakal, to grant me in the present case a copy of judgment free of cost.

Reference No. 765 M.

Submitted to Government for orders as to whether the procedure laid down in G.O., dated 19th September 1891, No. 1956, in the matter of granting copies of judgments to the officers of Forest, Abkári and Public Works Departments may be followed in the case of the Jail Department also.

(Signed) G. STOKES,
District Magistrate.

2nd June 1892.

ORDER—dated 22nd June 1892, No. 1152, Judicial.

G.O., dated 19th September 1891, No. 1956, Judicial, is applicable to all cases where the application for copies is made by any department of the administration.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the District Magistrate, Salem.
„ all other District Magistrates.
„ all Departments of the Secretariat.
„ all Heads of Departments under the Judicial Department.

Exd. C. M. Brisson.

APPENDIX.

G.O., dated 19th September 1891, *No.* 1956, *Judicial.*

READ—again the following papers :—

G.O., dated 1st October 1884, No. 2498, Judicial.

ABSTRACT.—Instructing District Magistrates to forward to the Commissioner of Salt Revenue copies of their letters to the High Court referring to it, as contrary to law, magisterial judgments affecting the Salt revenue, together with certified copies of the judgments and depositions; and directing that the cost of preparing such copies be debited to the Salt department.

G.O., dated 19th June 1886, No. 1621, Judicial.

ABSTRACT.—Directing the debit to the Abkári department of the cost of preparing copies of judgments of acquittal in cases of offences against the Abkári laws which District Magistrates are required to furnish to the Assistant Commissioner of the division.

G.O., dated 27th August 1886, No. 2296, Judicial.

ABSTRACT.—Directing the debit to the Salt department of the cost of preparing copies of judgments of acquittal against the Salt laws which District Magistrates are required to furnish to the Assistant Commissioner of the division under G.O., No. 1951, dated 28th July 1885.

G.O., dated 7th February 1887, No. 249, Judicial.

ABSTRACT.—Communicating to all District Magistrates, for guidance, letter from the Commissioner of Salt and Abkári Revenue regarding the mode of recovery by the magistracy of the cost of copies of judgments furnished in Salt and Abkári cases.

G.O., dated 14th February 1888, No. 399, Judicial.

ABSTRACT.—Stating that the procedure in the above Government order should be followed in recovering the cost of judgments furnished to the Public Works Department.

G.O., dated 17th April 1889, No. 690, Judicial.

ABSTRACT.—Stating that the procedure in the above Government order (No. 249 of 1887) should be followed in recovering the cost of judgments furnished to the Forest department.

Read—also the following papers :—

From the Accountant-General, Madras, dated 30th June 1891, No. I.B.D.-339.
,, Board of Revenue (Separate Revenue), dated 31st August 1891, Mi No. 2777

Order—dated 19th September 1891, No. 1956, Judicial.

The charges incurred on account of copies of judgments furnished by Magistrates in accordance with the Proceedings of Government read above will in future be met from magisterial contingencies and the system of payment by means of inter-departmental adjustments will be abandoned.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Accountant-General.
,, the Revenue Department.
,, the Public Works Departmen
,, all District Magistrates.

Govt. of {1892} Madras.

JUDICIAL.

Issued

Recd. *Encl.*

G.O., 22nd June 1892, No. 1152.

JUNE.

Copies of judgments.

Declaring G.O., dated 19th September 1891, No. 1956, directing that the charges incurred on account of — furnished by Magistrates, be met from magisterial contingencies, applicable to all departments of the administration.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper:—

From Colonel C. A. PORTEOUS, Inspector-General of Police, to the Chief Secretary to Government, dated Ootacamund, 23rd January 1893, No. 343.

I have the honour to request that the rule laid down in G.O., dated 19th September 1891, No. 1956, Judicial, directing that charges on account of copies of judgments furnished by Magistrates to other Government departments should be met from Magisterial contingencies, may be extended to judgments furnished by Sessions Courts and depositions of witnesses in Magistrates' or Sessions Courts. Recently, in Malabar, payment had to be made by this department for copies of two Sessions judgments of 1876 required for the purpose of proving previous convictions of certain prisoners before a Magistrate, and of depositions of certain witnesses applied for in the Sessions Court in view to decide whether a charge of having given false evidence might be preferred against them.

2. In current Sessions cases, however, copies of judgments are furnished to this department free of cost, they being printed.

3. I beg to enclose a letter from the Registrar of the High Court, stating that there is no objection on the part of the High Court to the extension to Sessions Courts of the rule laid down in the Government Order quoted in paragraph 1 above.

ENCLOSURE.

From H. W. FOSTER, Esq., Registrar of the High Court of Judicature, Appellate Side, Madras to the Inspector-General of Police, dated Madras, 24th December 1892, No. 3478.

In reply to your letter, dated 11th October last, No. 6337, I am directed to state that the question appears to be one regarding which you should address the Government. G.O., dated 19th September 1891, No. 1956, Judicial, quoted by you, applies in terms only to Magisterial Courts, and does not authorize Sessions Judges to debit against their contingent grant the cost of judgments supplied to other departments of the State, but the High Court sees no objection to the extension of the rule to Sessions Courts.

ORDER—dated 7th February 1893, No. 274, Judicial.

Sessions Judges will accordingly be directed to debit to their contingent allowances the cost of copies of judgments and depositions furnished to Departments of the Administration.

2. The instructions conveyed in G.Os., dated 19th September 1891, No. 1956, and 22nd June 1892, No. 1152, will apply also to copies of depositions furnished by Magistrates.

(True Extract.)

C. A. GALTON,
Ag. Chief Secretary.

To the Inspector-General of Police.
„ all District Magistrates.
„ all Sessions Judges.
„ all Departments of the Secretariat.
„ all Heads of Departments under the Judicial.
„ the Accountant-General.

Copy to the Hon'ble the Chief Justice, with C.L.

Exd. A. Raitt.

Govt. of {1893} Madras.

JUDICIAL.

Issued

Recd. *Encl.*

G.O., 7th February 1893, No. 274.

FEBRUARY.

Copies of Judgments and Depositions.

Directing Sessions Judges to debit to their contingent allowances the cost of — furnished to Departments of the Administration, and stating that the instructions conveyed in G.Os., No. 1956 of 1891 and No. 1152 of 1892, will apply also to copies of depositions furnished by Magistrates.

4576
JG 361-92

Section C10
File No 45-91
Serial No 13 Gr

The 1st assistt to the Resident in Mysore

With reference to your ~~letter~~ Memo No: 1997 of 259-91

~~13th June 93 and~~ re:-

Reminder dt 19th Reminder No: 2845 of 259-91

Instant ~~enclosing~~ ~~letter~~ requesting an early reply to letter No 1997 dated 13th June 93 & ~~requiring~~ whether any instructions 259 analogous to those contained in the Proceedings of the Madras Govt, directing the Sessions judges and magistrates to debit to their contingent allowances the cost of copies of judgments & depositions furnished to the departments of the

2495

the administration, have been issued by the Durbar, I am directed to state that the matter is under reference to the Chief Secretary and.

I have &c.

Chief Secretary

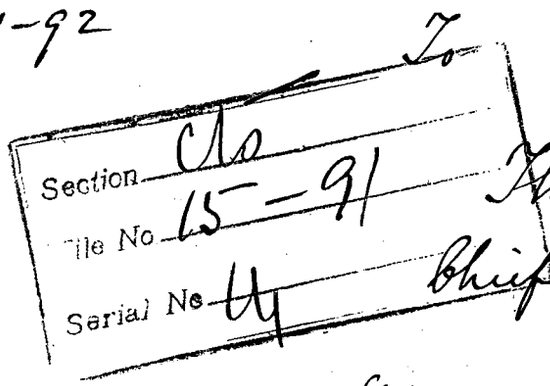
Submd
May this reply be sent?
29/8

2 drafts

recd & retd 11/9

4578.

JF 361-92



To

The Registrar of the
Chief Court of Mysore

Sir

With reference to your letter No: 604 of 15th August 1893 regarding the supply to the Depts concerned of copies of Judgments in Criminal cases in which ~~of Lessons Judges to the Postal & other Depts~~ and Magistrates, and Officials are concerned ~~submitting the opinion of the Judges on the subject~~, I am directed to invite your attention to article 137 of the Mysore Service Regulations and to ask if in accordance therewith, copies of judgments are not furnished to the Heads of the Departments concerned free of charge. ~~in Cases~~ which

which officials are
concerned.

I have the
Chief Secretary

June
24/8

2 days

(General Serial No. 29.)

19

1893. 4075. 23 SEP. 9626

From

The Registrar of the Chief Court of Mysore

To

The Secretary to the Dewan of Mysore.

Section C.O. File No. 15-9 Serial No. 15

Dated 21st Sept 93

Despatched 23rd Sept 93

Received

Enclosures No.

General No. 1276 / No. 59 } 188 —8

Acknowledges receipt of No. 4578 / F. 361-92 of the 9th instant and states that as no complaint has been made by any Department, the Chief Court has no reason to think that the direction contained in Article 137 has not been complied with.

J. Reg. MVR 23/9

Submitted to Mr. K. Srinivasangar for an office note. MVR 28/9.

Sub 27/9

No. 1276/59

Bangalore 21st September 1893.

From

The Registrar of the
Chief Court of Mysore.

To

The Chief Secretary to the
Dewan of Mysore.

Sir,

I am directed to acknowledge the receipt of your No 45-78 J. 736-92 of the 4th instant, inviting attention to Article 137 of the Mysore Service Regulations, and enquiring if, in accordance therewith, Copies of Judgments in Criminal Cases in which officials are concerned, are not furnished, free of charge, to the Heads of their Departments.

2. In reply, I am to state that as no complaint has been made by any Department, the Chief Court has no reason to think that the direction contained in Article 137, has not been complied with. If however, any Complaints have been

made

made to the Government, and if it is deemed necessary, the Court will, I am to state, invite the attention of the Lawyers to the Article in question.

I have the honor to be,
Sir,
your most obedient servant,

Registrar.

f/b

To No. 10164 dt 29/12/93
J.F. 361-92 2/1/94

Section C5
File No 15-91
Serial No 110

The 1st Assistant to the Resident in Mysore

Sir

With reference to your letter No. 1997 / 259-91 dated 13th June 1893 J.864
enquiring whether any instructions analogous to those contained in Madras Govt Proceedings No 1152 Judl dated 22nd June 1892 and No 274 Judl dated 7th Feb 1893 have been issued by the Durbar in the matter of debiting to contingent allowances the cost of copies of judgments and depositions furnished by Magistrates and Sessions Judges to the departments of the Administration, and if so whether there would be any objection to their extension to the Imperial Post Office, I am directed to State that the orders of the

the Madras Govt of 22nd June
1892 and 9th Feb 1893 apparently
refers to papers which, being
other than those provided for
in Article 217 of the British
Service regulations, are such
as were being paid for inter-
departmentally before these
orders were passed. Article
217 provides for the supply
of Copies of Judgments of
Convictions of Government
officials; and these Judgments,
it is presumed, have always
been prepared by the Judicial
Establishments and supplied
free of charge.

2. Article 214 of the
British Service Regulations
has been adopted into the
Burma Service Regulations

as

as Article 137 and in accord-
ance therewith there will be
no difficulty in furnishing
the Postal department, as
other departments are furnished,
with copies of Judgments of
Convictions

3 As to copies of Judgments
of acquittal and copies of
depositions and other papers
in all cases, the Durbar
consider that the course sug-
gested in this office letter
no $\frac{6307}{233}$ dated 26-8-91
and accepted by the Post
Master General in No $\frac{1365}{259-91}$
dated 26th April 1892 is
the most convenient as it is
the same which is generally
pursued in the case of
the

Department of the Deputy
State – the Contingent ~~expenses~~
allotments for each Court being
fixed solely for the Sadalwar
requirements of the Court.

Share the honer ~~Duncan~~

~~Ed~~

Chief Secy.

2

KM

KM
20/12/93

Received
dated: 29/12